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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: D. SPANKE

SERIAL NO.: 10/712,005

FILED: Nov. 14, 2003

FOR: Level measuring device operating with microwaves

GROUP ART UNIT: 7817

EXAMINER: I. A. Alsomiri

ATTY. REFERENCE: SPAN3001C/FJD



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated: **Mar. 24, 2006** of the Primary Examiner finally rejecting claims: **14-21, 24-26, 28-41, 45-58, 61-66 and 72-82**

The Appeal Fee is:

- enclosed \$500. \$250.
 not required (fee paid in prior appeal in this application).
 requested to be charged to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

 Small Entity Status is claimed.

 The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

23364
Customer Number
Phone: (703) 683-0500

DATE: Aug. 24, 2006

Respectfully submitted,

Felix J. D'Ambrosio 00000001 10712005
Attorney for Applicant
Registration Number: 25,721 500.00 OP